

SYMES & STREET
BARRISTERS AND SOLICITORS


133 LOWTHER AVENUE
TORONTO, ONTARIO, CANADA M5R 1E4
Tel (416) 920-3030 Fax (416) 920-3033

Direct Line: (416) 920-6179
E-mail: symes@symesandstreet.com

October 29, 2008

SENT BY FAX: 480-624-2550

Ben Butler
Designated Agent to Receive Notification of Claimed Infringements
GoDaddy.com
14455 North Hayden Road
Suite 219
Scottsdale, AZ
85260
U.S.A.

This is Exhibit F1 referred to in the
affidavit of Joseph McLeod
sworn before me, this 21st
day of November, 2008

COMMISSIONER FOR TAKING AFFIDAVITS

AND BY EMAIL to:

Copyright Department, GoDaddy.com
copyrightclaims@godaddy.com

Re: Removal of Infringing Content on Morrisseau.com

Dear Mr. Butler and GoDaddy.com copyright office:

I continue to represent Joseph McLeod, Maslak McLeod Gallery, and Maslak McLeod Gallery Inc. with respect to the website morriseau.com, of which GoDaddy.com is now the host (formerly, Wild West Domains Inc. hosted the site). The website was created and maintained by Richie Sinclair, also known as Star Dreamer (and StarDreamer Netmedia).

You are in receipt of our earlier DMCA takedown request from October 15, 2008. You found that our request was in compliance with the requirements of the Copyright Act and took down the infringing material from the site.

The website morriseau.com has now uploaded further infringing content which belongs to our client, Joseph McLeod, Maslak McLeod Gallery and Maslak McLeod Gallery Inc. In the previous case, the site took without authorization, images from our client's two books. The site now includes most of the remaining images from these books. This content must come down.

I am writing to you pursuant to s. 512 of the United States *Copyright Act*¹ The United States Copyright Office's records indicate that you are the "designated agent" under s. 512 (c)(2) of the *Act*.

This Notification will serve as a "DMCA takedown notice." Take note that pursuant to your receipt of this notice, you are required by law to take down the infringing content and to inform the website creator of your actions. This letter is in compliance with the requirements set out in s. 512 (c)(3) of the *Copyright Act* (the "Takedown" provisions of the *Act*).

Section 512 (b)(E) of the *Act* sets out that GoDaddy.com will be liable for the infringing content unless you comply and act to "expeditiously to remove, or disable access to, the material that is claimed to be infringing upon notification of claimed infringement as described in subsection (c)(3)..."

Further s. 512(c)(1)(c) states:

(c) Information Residing on Systems or Networks at Direction of Users.

(1) In general.—A service provider shall not be liable for monetary relief, or, except as provided in subsection (j), for injunctive or other equitable relief, for infringement of copyright by reason of the storage at the direction of a user of material that resides on a system or network controlled or operated by or for the service provider, if the service provider—

...
(C) upon notification of claimed infringement as described in paragraph (3), responds expeditiously to remove, or disable access to, the material that is claimed to be infringing or to be the subject of infringing activity.

The morrisseau.com website has unlawfully copied content taken from two published books of my client:

- 1) *Norval Morrisseau* (2006), Gallery Book [Maslak McLeod Gallery]; and
- 2) *Norval Morrisseau: The Development of the Woodland School of Art* (2003), Gallery Book [Maslak McLeod Gallery].

Further, morrisseau.com has unlawfully copied content from the website of MaslakMcLeodGallery.com.

Please find attached a complete list of each of the paintings and content included in my client's books and website, which have been unlawfully used on the morrisseau.com site. We have already provided you in our original correspondence with copies of my client's two books in their entirety. The new infringing content is also taken from those books. Each item noted has been improperly posted on the morrisseau.com website.

¹ specifically added to the *Copyright Act* by the *Digital Millenium Copyright Act (DMCA)*, Pub. L. No. 105-304, 112 Stat. 2860 (Oct. 28, 1998).

I also include the printed screen-captures of the infringing content currently present on the morrisseau.com site (the "infringing content").

I have a good faith belief that the use of the material in the manner complained of is not authorized by the copyright owner, its agent, or the law.

I declare that the information in the notification is accurate, and under penalty of perjury, that the Complaining Party is the owner, or is authorized to act on behalf of the owner of an exclusive right that is allegedly infringed.

I am the Complaining party and my client, Joseph McLeod, Maslak McLeod Gallery and Maslak McLeod Gallery, Inc. have exclusive rights to the infringing content on the morrisseau.com website.

If you fail to remove this content, you will be liable under US law and will be exposed to damages in a lawsuit against Richie Sinclair, StarDreamer Netmedia and GoDaddy.com.

Please contact our office at the address, phone number or email noted in the letterhead if you have any questions.

Yours truly,

A handwritten signature in cursive script that reads "Beth Symes".

Beth Symes

c. Joseph McLeod, Maslak McLeod Gallery

<http://www.morrisseau.com/browsePhot.php>

October 29, 2008			
#601	Unity II	"Inferior Counterfeit Morrisseau #601 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 49
#600	Interdependence of all Things	"Inferior Counterfeit Morrisseau #600 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 48
#598	Unity Totem	"Inferior Counterfeit Morrisseau #598 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 48
#597 and #100	Battle for Universal Harmony	"Inferior Counterfeit Morrisseau #597 By: blackmagic" "Inferior Counterfeit Morrisseau #100 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 46 & 47
#595	Loon Nest	"Inferior Counterfeit Morrisseau #595 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 44
#586	Shaman and Wife	"Inferior Counterfeit Morrisseau #586 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 39
#582 and #103	Together	"Inferior Counterfeit Morrisseau #582 By: blackmagic" "Inferior Counterfeit Morrisseau #103 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 37

#581	Woman and Man in Nature	"Inferior Counterfeit Morrisseau #581 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 36
#374	Arrangement on Blue	"Inferior Counterfeit Morrisseau #374 By: blackmagic"	Norval Morrisseau, The Development of the Woodland School of Art, Maslak McLeod Gallery Published 2003 p. 43
#361	Spirit World	"Inferior Counterfeit Morrisseau #361 By: blackmagic"	Norval Morrisseau, The Development of the Woodland School of Art, Maslak McLeod Gallery Published 2003 p. 51
#360	Sacred Medicine Bear	"Inferior Counterfeit Morrisseau #360 By: blackmagic"	Norval Morrisseau, The Development of the Woodland School of Art, Maslak McLeod Gallery Published 2003 p. 27
#358	Self Portrait as Christ Figure	"Inferior Counterfeit Morrisseau #358 By: blackmagic"	Norval Morrisseau, The Development of the Woodland School of Art, Maslak McLeod Gallery Published 2003 p. 21
#321 and #101	Thunderbird Complex	"Inferior Counterfeit Morrisseau #321 By: blackmagic" "Inferior Counterfeit Morrisseau #101 By: blackmagic"	Norval Morrisseau Maslak McLeod Gallery Book Published 2006 p. 53

Maslak McLeod-related Paintings on morrisseau.com – October 29, 2008

Ref # on Sinclair's website	Title	Website Description	Date of Purchase	Date of Sale (if sold)	Sale Price or Retail Value
#601	Unity II	"Inferior Counterfeit Morrisseau #601 By: blackmagic"	1998	2002	\$20,000.00
#600	Interdependence of all Things	"Inferior Counterfeit Morrisseau #600 By: blackmagic"	2000	2002	\$10,000.00
#598	Unity Totem	"Inferior Counterfeit Morrisseau #598 By: blackmagic"	1998	2008	\$8,000.00
#597 and #100	Battle for Universal Harmony	"Inferior Counterfeit Morrisseau #597 By: blackmagic"	2004	N/A	\$80,000.00
#595	Loon Nest	"Inferior Counterfeit Morrisseau #595 By: blackmagic"	2006	N/A	\$8,000.00
#586	Shaman and Wife	"Inferior Counterfeit Morrisseau #586 By: blackmagic"	2004	2005	\$12,000.00
#582 and #103	Together	"Inferior Counterfeit Morrisseau #582 By: blackmagic"	2003	2007	\$10,000.00

"Inferior Counterfeit" ^{referred to in this} ~~this is Exhibit D~~ affidavit of Jose P. McLeod sworn before me, this 21st day of November 2008

[Signature]
 COMMISSIONER FOR TAKING AFFIDAVITS

#581	Woman and Man in Nature	Morrisseau #103 By: blackmagic "Inferior Counterfeit Morrisseau #581 By: blackmagic"	2003	N/A	\$10,000.00 (value)
#374	Arrangement on Blue	"Inferior Counterfeit Morrisseau #374 By: blackmagic"	2001	2002	\$14,000.00
#361	Spirit World	"Inferior Counterfeit Morrisseau #361 By: blackmagic"	2001	2002	\$18,000.00
#360	Sacred Medicine Bear	"Inferior Counterfeit Morrisseau #360 By: blackmagic"	2001	2002	\$16,000.00
#358	Self Portrait as Christ Figure	"Inferior Counterfeit Morrisseau #358 By: blackmagic"	2003	2003	\$19,000.00
#321 and #101	Thunderbird Complex	"Inferior Counterfeit Morrisseau #321 By: blackmagic"	2004	2005	\$26,000.00
#105	Warrior Thunderbird	"Inferior Counterfeit Morrisseau #101 By: blackmagic"	2004	2006	\$12,000.00
#53	Artist Speaks to Moose Spirit	"Inferior Counterfeit Morrisseau #53 By: blackmagic"	2004	2004	\$20,000.00
				TOTAL VALUE	\$283,000.00

STANDARD FORM NO. 100-108 (REV. 1-25-60)
 THIS IS EXHIBIT E
 returned to in the
 affidavit of Joseph W. Leland
 sworn before me this 21st day of
 September 2007



Views: 4
0 votes



Inferior Counterfeit
Morrisseau # 601
 By: blackmagic
 Added: 15 hours ago
 Views: 2
0 votes



Views: 3
0 votes



Inferior Counterfeit
Morrisseau # 598
 By: blackmagic
 Added: 15 hours ago
 Views: 3
0 votes



Views: 3
0 votes



Inferior Counterfeit
Morrisseau # 595
 By: blackmagic
 Added: 15 hours ago
 Views: 3
0 votes



Views: 3
0 votes



Inferior Counterfeit
Morrisseau # 592



Views: 6
0 votes



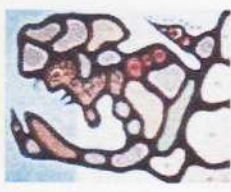
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 Added: 15 hours ago
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Views: 3
0 votes



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 By: blackmagic
 Added: 15 hours ago
 Views: 3
0 votes



Views: 3
0 votes



Inferior Counterfeit
Morrisseau # 594
 By: blackmagic
 Added: 15 hours ago
 Views: 3
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Views: 3
0 votes



Inferior Counterfeit
Morrisseau # 591



Views: 4
0 votes



Inferior Counterfeit
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 Added: 15 hours ago
 Views: 2
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Views: 3
0 votes



Inferior Counterfeit
Morrisseau # 596
 By: blackmagic
 Added: 15 hours ago
 Views: 3
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Views: 9
0 votes



Inferior Counterfeit
Morrisseau # 593
 By: blackmagic
 Added: 15 hours ago
 Views: 9
0 votes



Views: 3
0 votes



Inferior Counterfeit
Morrisseau # 590

Inferior Counterfeit
Morrisseau # 595
 By: blackmagic
 Added: 15 hours ago
 Views: 3
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Morrisseau # 592
 By: blackmagic
 Added: 16 hours ago
 Views: 3
 0 votes



Inferior Counterfeit
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 By: blackmagic
 Added: 16 hours ago
 Views: 6
 0 votes



Inferior Counterfeit
Morrisseau # 587
 By: blackmagic
 Added: 16 hours ago
 Views: 3
 0 votes



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 By: blackmagic
 Added: 16 hours ago
 Views: 2
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 By: blackmagic
 Added: 16 hours ago
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 By: blackmagic
 Added: 15 hours ago
 Views: 3
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 Added: 16 hours ago
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 Added: 16 hours ago
 Views: 3
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Morrisseau # 478
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Views: 3
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Morrisseau # 477
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Added: 1 days ago
Views: 3
0 votes



Morrisseau # 476
By: blackmagic
Added: 1 days ago
Views: 3
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**Inferior Counterfeit
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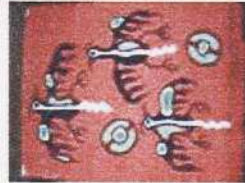
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Added: 1 days ago
Views: 1
0 votes



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Morrisseau # 471**
By: blackmagic
Added: 1 days ago
Views: 1
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By: blackmagic
Added: 1 days ago
Views: 2
0 votes



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By: blackmagic
Added: 1 days ago
Views: 2
0 votes



**Inferior Counterfeit
Morrisseau # 468**
By: blackmagic
Added: 1 days ago
Views: 2
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Untitled
By: blackmagic
Added: 1 days ago
Views: 3
0 votes



**Inferior Counterfeit
Morrisseau # 376**
By: blackmagic
Added: 8 days ago
Views: 5
0 votes



**Inferior Counterfeit
Morrisseau # 375**
By: blackmagic
Added: 8 days ago
Views: 10
0 votes



**Inferior Counterfeit
Morrisseau # 374**
By: blackmagic
Added: 8 days ago
Views: 7
0 votes



**Inferior Counterfeit
Morrisseau # 373**
By: blackmagic
Added: 8 days ago
Views: 7
0 votes



**Inferior Counterfeit
Morrisseau # 372**
By: blackmagic
Added: 8 days ago
Views: 6
0 votes



**Inferior Counterfeit
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Added: 8 days ago
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Added: 8 days ago
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Added: 8 days ago
Views: 14
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Added: 8 days ago
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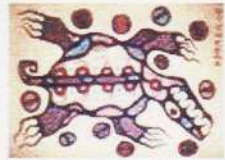
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Added: 8 days ago
Views: 12
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By: blackmagic
Added: 8 days ago
Views: 10
0 votes



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By: blackmagic
Added: 8 days ago
Views: 6
0 votes



**Inferior Counterfeit
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By: blackmagic
Added: 8 days ago
Views: 10
0 votes



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Added: 8 days ago
Views: 7
0 votes



Views: 4 0 votes



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Morrisseau # 322**
By: blackmagic
Added: 10 days ago
Views: 8 0 votes



**Inferior Counterfeit
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By: blackmagic
Added: 10 days ago
Views: 9 0 votes



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Views: 13 0 votes



Views: 6 0 votes



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Views: 14 0 votes



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Views: 6 0 votes



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Added: 10 days ago
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By: blackmagic
Added: 10 days ago
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7.



Views: 9 0 votes



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Added: 17 days ago
Views: 13 0 votes



**Inferior Counterfeit
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By: blackmagic
Added: 17 days ago
Views: 4 0 votes



**Inferior Counterfeit
Morrisseau # 100**
By: blackmagic
Added: 17 days ago
Views: 8 0 votes



Views: 16 0 votes



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Views: 6 0 votes



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Added: 17 days ago
Views: 9 0 votes

8.



0 votes

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By: blackmagic
Added: 33 days ago
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Big Byrd & Friends
By: Stardreamer
Added: 36 days ago
Views: 14

**Inferior Counterfeit
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By: blackmagic
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Inferior Counterfeit



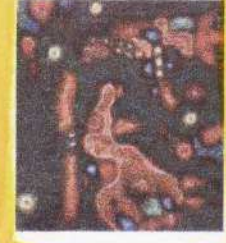
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A Great Spirit
By: Stardreamer
Added: 36 days ago
Views: 33

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Added: 40 days ago
Views: 28

Inferior Counterfeit



0 votes

Watchers of the Dawn
By: Stardreamer
Added: 36 days ago
Views: 18

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Morrissette # 53**
By: blackmagic
Added: 40 days ago
Views: 20

**Inferior Counterfeit
Morrissette # 25**
By: blackmagic
Added: 40 days ago
Views: 19

Inferior Counterfeit